

HOUSE BILL No. 1500

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-1-2.5.

Synopsis: Religious liberties for students. Provides that a public school shall not discriminate against the school's students or parents of the school's students on the basis of a religious viewpoint or religious expression.

Effective: July 1, 2015.

Wesco, Thompson

January 22, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1500

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-1-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 2.5. (a) An Indiana public school shall not**
4 **discriminate against the school's students or the parents of the**
5 **school's students on the basis of a religious viewpoint or religious**
6 **expression. A public school shall treat a student's voluntary**
7 **expression of a religious viewpoint, if any, on an otherwise**
8 **permissible subject in the same manner the public school treats a**
9 **student's voluntary expression of a secular or other viewpoint on**
10 **an otherwise permissible subject, and shall not discriminate against**
11 **the student based on a religious viewpoint expressed by the student**
12 **on an otherwise permissible subject.**
13 **(b) A student attending a public school may express the**
14 **student's beliefs about religion in homework, artwork, and other**
15 **written or oral assignments free from discrimination based on the**



1 religious content of the student's submissions. Homework and
2 classroom assignments shall be judged by ordinary academic
3 standards of substance and relevance to the course and against
4 other legitimate pedagogical concerns identified by the public
5 school. A student shall not be penalized or rewarded on account of
6 the religious content of the student's work. If an assignment
7 requires a student's viewpoint to be expressed in homework,
8 artwork, or another written or oral assignment, a public school
9 shall not penalize or reward a student on the basis of religious
10 content or religious viewpoint. In such an assignment, a student's
11 academic work that expresses a religious viewpoint shall be
12 evaluated based on ordinary academic standards of substance and
13 relevance to the course curriculum or requirements of the
14 homework or assignment.

15 (c) A student attending a public school may pray or engage in
16 religious activities or religious expression before, during, and after
17 the school day in the same manner and to the same extent that
18 students may engage in nonreligious activities or nonreligious
19 expression, so long as the religious activities or religious expression
20 is not disruptive of scheduled instructional time or other
21 educational activities and does not impede access to school facilities
22 or mobility on school premises. Students may organize prayer
23 groups, religious clubs, or other religious gatherings before,
24 during, and after school to the same extent that students are
25 permitted to organize other noncurricular student activities or
26 groups. Religious groups shall be given the same access to school
27 facilities for assembling as given to noncurricular groups without
28 discrimination based on the religious content of student expression.
29 If student groups that meet for nonreligious activities are
30 permitted to advertise or announce meetings of the groups, the
31 public school shall permit groups that meet for prayer or other
32 religious speech to advertise or announce meetings of those groups.

33 (d) A school district may disclaim school sponsorship of
34 noncurricular student activities, groups, and events in a manner
35 that neither favors nor disfavors groups that meet to engage in
36 prayer or other religious speech.

37 (e) A student attending a public school may wear clothing,
38 accessories, and jewelry that display religious messages or religious
39 symbols in the same manner and to the same extent that other
40 types of clothing, accessories, and jewelry that display messages or
41 symbols are permitted. Nothing in this subsection may be
42 construed to prohibit a public school from adopting a school



uniform policy.

(f) To ensure that a public school does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the public school of the student's expression of a religious viewpoint, if any, a school corporation or charter school shall adopt a policy, which must include the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. Student expression on an otherwise permissible subject shall not be excluded from the limited public forum because of subject matter expressed from a religious viewpoint. The policy establishing the limited public forum must:

(1) require the public school to provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(2) require the public school to provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;

(3) require that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and

(4) require that the forum include a disclaimer that student speech does not reflect the endorsement, sponsorship, position, or expression of the public school.

(g) A public school shall provide the disclaimer under subsection (f)(4) at all graduation ceremonies and any school events at which a student is to publicly speak. The public school shall provide the disclaimer at such events as long as a need exists to dispel confusion over:

(1) the school corporation's or charter school's nonsponsorship of; or

(2) attribution to the public school of; student expression of a religious viewpoint.

(h) This section shall not be construed:

(1) to authorize the state or a political subdivision of the state to either:

(A) require any person to participate in prayer or any other religious activity; or

(B) violate the constitutional rights of any person; or

(2) to limit the authority of any public school to:

(A) maintain order and discipline on the campus of the



1 public school in a content and viewpoint neutral manner;
2 (B) protect the safety of students, school employees, and
3 visitors of the public school; or
4 (C) adopt and enforce policies and procedures regarding
5 student speech at the public school, provided that the
6 policies and procedures do not violate the rights of
7 students under this section.

